

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

November 12, 19, 26, 2013

Tuesday
November 12, 2013
8:30 a.m. – 4:00 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 8:30 a.m.

Claims Review / Minutes Review:

Claims and Minutes were presented to the Commissioners.

Commissioners Present:

Chair Ben Hurwitz and Commissioner Rod Brewer were present, with Vice Chair Herb Townsend entering the meeting at 8:45 a.m.

Ivan Bodell's Retirement and Road Report:

The Commissioners requested Ivan Bodell's presence at the meeting in order to present him with a retirement gift and thank him for his services with Meagher County.

The road crew – Bruce Smith, Jim Gregory, Tim Collins, and Nick Lester were all in attendance. Sue Phelan came by to wish him luck as well.

Road Supervisor, Bruce Smith, asked about taking the Commissioners out to Lingshire to see the new road that was in the process of being completed. The Commissioners scheduled a trip for Thursday, November 21, 2013.

After Mr. Bodell and the road crew left the meeting, Mr. Smith addressed the issue of cattle guards. The road crew has been asked to clean a couple of cattle guards from one of the local ranches and Mr. Smith doesn't feel it is up to the County to clean them. The Commissioners concurred that it should be up to the landowner and not the County.

Action #1

RESOLUTION #2013-70

Commissioner Hurwitz moved that henceforth regardless of history, the County would no longer do maintenance on cattle guards on county roads and that all maintenance would be the landowners' responsibility, Commissioner Brewer seconded. A letter will be sent to the landowner of the Commissioners' decision reflecting the new policy.

Sheriff's Report

Jon Lopp was unable to attend the meeting and rescheduled for next week.

Ambulance Grant:

Sara Driemeyer and Jack Berg were in attendance for the ambulance grant. They discussed the Ambulance garage and what was needed and the insulation bids being received. They will be opened at the next meeting.

The ambulance department is submitting the paperwork for grant funds in the amount of \$114,000.00 to purchase a new ambulance. There was discussion on the current ambulances that the County ambulance department currently has and the amount of mileage on them and their reliability, causing the need for a new one.

Action #2:

RESOLUTION 2013 - #71

A motion was made by Vice Chair Herb Townsend and seconded by Chair Ben Hurwitz to approve the Grant Application for the purchase of a new ambulance vehicle in the amount of \$114,000.00. A vote was taken and passed unanimously and therefore it is resolved. If the grant is not approved, the purchase will not be made.

Mrs. Driemeyer also discussed the grant being submitted for approximately \$14,000.00 to purchase a push-button gurney for the department as well.

Action #3:

RESOLUTION 2013 - #72

A motion was made by Commissioner Rod Brewer and seconded by Chair Ben Hurwitz to approve the Grant Application for the purchase of a new gurney in the amount of approximately \$14,000.00. A vote was taken and unanimously approved and therefore it was resolved. If the grant is not approved, the purchase will not be made.

The Commissioners inquired as to whether the ambulance building was going to be heated and Mrs. Driemeyer informed the Commissioners that a boiler had been donated by Elsie Sheline. They will have it inspected to make sure it will do the job and will have it installed. If it is not workable, they would start looking for another one.

Townsend Electric has indicated that the building is now ready for insulation. There was inquiry as to the extra amount that Townsend Electric has billed the County. Sara Driemeyer and Jack Berg explained the charge and that no one knew before the building was erected that it would need a different type of wire from the original bid. The building has not been framed in, thus the wire was going against metal and needed a different type of wire. There was a change order received and Mrs. Driemeyer had approved it and sent it back after speaking with Dayna Ogle, Clerk & Recorder. There was discussion regarding the fact it may still need to be framed in when doing the insulation.

Jack Berg brought up that he wanted to have Townsend Electric add the wiring to accommodate ceiling fans because of the high ceilings and dead air space. He inquired about the amount that the ambulance committee can approve before needing to see the Commissioners for approval. The Commissioners felt that \$200.00 would be a good number. It was reminded that all services needed to be bid out, but supplies could be purchased.

Mr. Berg explained that originally the intention of the garage was to be used to do clean-up of the ambulance after usage. They would really like a good interior so it can be done sanitarily. He would also like to have an inspector come check the building out before anything further is done.

Ms. Driemeyer also mentioned that they had received the Northwestern Energy estimate in the amount of \$4,488.00. She is going to inquire if they could donate a portion of it. Vice Chair Townsend asked if they could do some of the work themselves to get the estimate lowered as well. She will make the phone call to Northwestern Energy to see what they can do.

Dispatch Grant:

Maebeth Seidlitz was unable to attend the meeting, but the Subgrant Application was approved by the Commissioners. This grant is for the implementation of a Computer Aided Dispatch software program provided by TriTech. The grant funds would include any travel and training required as well, and the estimate of cost for this project is \$37,291.86.

Action #4:**RESOLUTION 2013 - #73**

Chair Ben Hurwitz moved to approve the Subgrant Application from the Montana Board of Crime Control for Dispatch for the purchase of the Computer Aided Dispatch (CAD) software in the amount of \$30,422.50, and Vice Chair Townsend seconded. A vote was taken and approved unanimously. It is therefore resolved. If the grant is not approved, the purchase will not be made.

Montana Business Assistance Connection – Chris Shove – CDBG Application

Mr. Shove was here to address the CDBG application previously discussed with the Commissioners. Mr. Obert had updated him on some questions the Commissioners had at the last meeting and he in turn had spoken with the Montana Department of Commerce to bring some answers back to them. He explained that the County would be required to do a Request for Proposals and generally can provide them to 3 companies (Montana Business Assistance Connection being one of them) they feel comfortable doing business with in regards to preparing a Growth Policy Plan.

Commissioner Townsend inquired of Mr. Shove about the amount of money (approximately \$40,000.00) that the Montana Business Connection is estimating for the cost of the Growth Policy. Mr. Shove went over the fact that it would not cost the County anything, that Montana Business Connection would provide the matched funds. They had made some changes to the grant application and he provided a new copy. They changed the estimated growth of the impact of the mine since the Commissioners did not believe all employees and their families of the Tintina Mine would move to White Sulphur Springs.

There was also discussion regarding the city's water and sewer issues and how the mine would impact the city. Mr. Shove has spoken with the City Council as well and will be meeting with them. He is hoping this will be a cooperative effort between the city and county to get the infrastructure where it needs to be before the growth of the mine impacts the water and sewer. He does not believe the city is planning far enough ahead for this.

Library Update:

Present for this meeting were the Library Board members, Gordon Doig, Gretchen Rader, and Elton Lee. Also in attendance were County Attorney Kimberly Deschene and Nels Swandel, Melinda Vennard, Betsy Hamann, Jill Stephens, Kari Jo Kiff and Jason Phillips.

Chair Hurwitz began the conversation with acknowledging that while a new library would be nice to have; but since 1/5th of Meagher County is federal land, and the amount paid into the county by the federal government has decreased significantly, the Commissioners have to be careful about what is being spent.

It was reiterated by Chair Hurwitz that Jim Muskovich from MACo had inspected the library building and determined it safe for the employees and the public. Chair Hurwitz also said that since the library has been deemed safe, it needs to be opened.

The Commissioners also stated that the County was going forward with the State Hygienist, and Library Board Member, Gordon Doig stated that she would be at the library to take samples Wednesday, November 13, 2013. He also added that this would be a baseline testing and that they didn't expect to find anything. Results won't be available for a couple of weeks.

It was asked what she would be taking samples of. No one knows what exactly she will take samples of, but County Attorney Deschene added that they would be testing for toxicity, methane and mold is primarily what they are looking for.

Gordon Doig also mentioned that the Library Board had been instructed to post a warning sign on the door that essential oils had been used to notify anyone entering the building that might be sensitive to them. He advised that that had been posted it on the library door.

Chair Hurwitz asked Melinda Vennard if she felt okay after working in the library. She said she felt fine but reminded him that she only works 3 hours a day. Chair Hurwitz also stated that a person can be allergic to a building or a home, and also from the sulphur.

The Commission stated that they are going to insist that the library opens normal hours – effective immediately. Staffing options were discussed and the Library Board will be in contact with volunteers to cover shifts.

At the end of the meeting, County Health Nurse, Kari Jo Kiff, presented Jason Phillips of the newspaper her synopsis of events leading up to MACo's inspection and points from Jim's inspection and verbal briefing of his findings, and from the letter from Mr. Muskovich to the County regarding his inspection.

County Attorney update – Kimberly Deschene:

County Attorney, Kimberly Deschene, gave an update on the city/county law enforcement agreement. They are still waiting to see what the City has to offer and the Sheriff's vehicle was re-addressed. The Commissioners thought it would be interesting to see what kind of revenue the City was receiving from tickets written by our Sheriff's Department. They asked Kimberly to see if she could get a breakdown on city fines and where it goes and how much it is.

The Golf Course was also discussed and the difference of opinion that County Attorney Deschene and City Attorney Cindy Younkin have over the annexation or un-annexation. County Attorney Deschene reiterated that the Golf Course was never annexed, the paperwork was never finalized and a survey never done. She reiterated that there was no need to have it un-annexed because it was never annexed. She also stated that the City wants an easement through the Golf Course since the water and sewer lines run through it and they did not get an easement at the time it was done.

Chair Hurwitz mentioned he had spoken with John Lesofsky from Fish & Game and was told things were heating up and he wanted to make sure the County Attorney and he were on the same page as to poachers. There was a brief discussion on how it was being handled.

Lunch:

The commissioners broke for lunch at 12:11 pm. and returned at 1:00.

Clerk & Recorder – Quarterly Budget Review:

Clerk & Recorder, Dayna Ogle, went over some of the budget information with the Commissioners and in particular, with Commissioner Brewer to get him up to speed on the budget.

One item noted was that there had been a clerical error on the budget for the Clerk of the District Court and Clerk & Recorder Ogle wanted the approval of the Commission for Mrs. Morris to purchase a new desk with the money from the error. The Commissioners were agreeable.

Mrs. Ogle also stated that the non-taxed revenue had been overstated by approximately \$17,100.00, through error. She would like to amend the budget as needed, and since the County doesn't have that money, she would like to move the money from one account to another. She wants to move the funds from the entitlement funds to the general fund.

Action # 5:

RESOLUTION 2013 - #74

Vice Chairman Townsend moved that \$17,100.00 be transferred from the entitlement fund (7950) to the general fund (1000). Chair Hurwitz seconded. It was voted and approved unanimously, it is therefore resolved.

Regarding the road department, after the meeting with FEMA, it was discovered that the road department had not placed fabric and Rip Rap needed on one of the road projects. They would be returning approximately \$6,615.00 that had been previously paid. That will come from the disaster fund which has \$25,000.00, so no amendment is needed. And will be paid in a claim to the State of Montana.

Clerk & Recorder Ogle also addressed the letter received from Blue Cross Blue Shield regarding the insurance changes with Obama care. The letter stated an increase of 3.5%. There was discussion on

how it would affect the County and its' employees. The Commissioners would like to meet with Julie Blockey.

Since the Commissioners had budgeted for 3 new desks, they were given a choice of two desks and had them pick one to be ordered.

They reviewed what had been spent year-to-date for the quarter. The only department that stood out having more expenditure was the IT Department.

Health Nurse – Kari Jo Kiff:

Kari Jo Kiff presented her report for October, 2013 and went over it with the Commissioners. There was discussion regarding shots and the number of students who don't keep up with the shots. Nurse Kiff explained that they try to get the students as many of the shots available before they get out of high school.

On the Community Service Block Grant, the golf course receives ½ and the health department receives the other ½. Heather Grenier from the HRDC will be contacted to see what is left and what will be available next year.

KLJ Reviewing Airport C.I.P.:

Jeff Walla and Steve Brown were present from KLJ. Steve Brown had been previously introduced by Mitch of Stelling. Mr. Walla is from the Kalispell office. Kurt Burns from the Airport Board was also present.

Chair Hurwitz asked Steve Brown why it has been a year since payment. 10% of the last of the grant is held until the close out report is finished, and the close out report was incomplete, and then it dominoed on to other things. They will be finishing this up this week.

Mr. Brown explained that in the beginning when Mike was airport engineer, the gate and lock was not an American product which required a waiver with an approval from the FAA. That was not done, so the close out report was incomplete. Also, the final payment was held up with Delphi because Mike was the only one set up.

It was discussed that the transition has not been smooth. Chair Hurwitz wants Mr. Burns kept informed and they have promised to do so. Mr. Walla will provide a 1-year warranty from the date it is finally in operation and Mr. Burns requested that that be in writing.

The resurfacing project was discussed and Mr. Burns said that next year was scheduled to do the runway project maintenance. Mr. Walla agreed that if there were no cracks in the runway, it didn't need to be done until 2015, every 5 – 6 years is usually when you do runway maintenance. They are also talking long term overlay project which will allow the runway to hold heavier aircraft. There are people who would like to see this project done and have said they would help with the cost of that project.

Extension Transition:

Sarah Hamlen presented the commissioners with gifts as a thank you for the use of the space in the Extension Office. Effective November 1, she has moved on from the university into doing business in Meagher County. She has opened an office for Thrivent Financial, which is located in with Stewart Title building.

She then explained a little about what Thrivent Financial was and what they did.

Election Canvas:

Clerk & Recorder, Dayna Ogle, presented the Commissioners with the tally sheets from the city's election to review and do a final tally to make the votes official. The totals equaled what was on the ballot information sheet, and the commissioners signed off approving the results.

City/County – Mayor Julian Theriault:

Recycling –

Mayor Theriault wanted to discuss recycling and get updated as to what was happening with the bins. Melinda Vennard had been at City Hall inquiring and wondered why Mr. Lind's bins were still placed on City property when we accepted the bid from 4-Corners Recycling. Mayor Theriault was waiting for a contract from 4-Corners Recycling to present to Mr. Lind before having a conversation with him regarding moving his bins, but the County nor City has a contract from them as of yet. Mayor Theriault is also not happy about bin placement. He will be in touch with both 4-Corners Recycling and Mr. Lind and see if the final details can be worked out.

Arrowhead Meadows Golf Course –

The Commissioners also advised Mayor Theriault that the County would give the City the easement through the Golf Course, no problem. They also informed the Mayor that the Golf course remains in the County and had never been annexed to the City, and that the Golf Course does not want to be annexed at this time and they support that decision. Mayor Theriault advised that the City Attorney says that it is in the City and that even though it was never finalized, it now has to be done correctly, the legal way and take it out of the City. He also said that the City Attorney said it was just a piece of paper that needs to be signed and there would be nothing to it. Commissioner Townsend told him to draw something up then so they could stop arguing about nothing.

Sheriff's Department –

The Commissioners also inquired about the Sheriff's law-enforcement agreement. Mayor Theriault said the City Councilmen are in charge over the City, he only can enforce what they say. The City Attorney is to present a proposal for the Commissioners to review, and counter if needed.

Miscellaneous -

Mayor Theriault told the Commissioners he is looking to get some grants written and is looking for help with that. Commissioner Townsend gave him Chris Shove's of Montana Business Assistance Connection's business card to see if he could help.

PUBLIC COMMENT:

Melinda Vennard and Betsy Hammond came in to see if Mayor Theriault came in for the recycling conversation with the Commissioners.

Commissioner Townsend called and spoke with David Leverett regarding the recycling and bins and called and left message for Jake Lind.

Minutes:

Action #6:

Commissioner Brewer moved to approve the October 15th and October 22nd Minutes. Vice Chair Townsend seconded. A vote was taken and approved unanimously.

Claims Approved:

Commission was presented with Voucher #1425, Ck #46099 through Ck #46195, totaling \$131,970.00. All claims were signed as presented.

Meeting Adjourned:

The meeting was adjourned at 4:00 p.m.

Next Meeting:

Commissioners are scheduled to meet Friday, November 15, 2013, for a Special Closed Session regarding the library and their regularly scheduled meeting Tuesday, November 19, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.
Distributed November 19, 2013, to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle

Tuesday
November 19, 2013
8:45 a.m. – 12:00 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 8:45 a.m.

Commissioners Present:

Chair Ben Hurwitz, Vice Chair Herb Townsend and Commissioner Rod Brewer.

Weed Department – Open Sealed Bids:

Otto Ohlson, Weed Supervisor, was present to open the sealed bids in regard to the Arctic Cat ATV for sale. There was a brief discussion on the history of the ATV and why it was open for bids.

The only bid received was for \$2,213.00 by the Teague Ranches, Ken Teague, President.

Action #1:

RESOLUTION 2013 - # 75

Commissioner Rod Brewer moved that we accept the bid of Teague Ranches in the amount of \$2,213.00 for the Arctic Cat ATV. Vice Chair Townsend seconded. A vote was taken and approved unanimously. It is therefore resolved.

Dayna Ogle was present and told Mr. Ohlson that we will write a letter confirming the acceptance of the bid and hold the title while the purchase is finalized.

Mr. Ohlson is hoping with the \$7,500.00 grant money he will be receiving, together with the sale of the ATV, the Weed Department will be able to purchase a new ATV.

Ambulance Barn – Open Sealed Bids:

Sara Driemeyer was present for the opening of the sealed bids regarding the insulation of the Ambulance Garage.

Bids Received:

\$23,870.00 - Helena Insulation (no estimate included on adding fire sealant).
\$22,114.00 – Elkhorn Insulation, with an additional \$15,495.00 for Option 1 for fireproof paint (white) and \$16,840.00 for Option 2 (choice of 4 colors)
\$46,740.00 – BioSeal Insulation Systems, out of Livingston, Montana
\$30,348.00 – Klinefelter's Insulation, with an additional \$7,400.00 for R 26

After the Commissioners reviewed and discussed the bids, it was determined that they were not all consistent with the bid information provided, and it was agreed between them and Mrs. Driemeyer to table the decision until she was able to take a copy of the bids to the Ambulance Board for review and then return on Tuesday, November 26th to give the Commissioner's the Board's determination.

The Commissioners encouraged Mrs. Driemeyer to get clarification if needed to make sure she knows what is being offered in each bid and that it all meets the building code requirements the Ambulance Board needs.

The Commissioners asked if she had spoken with a Northwestern Energy yet regarding their hookup fee and she stated she hadn't and that she was still hoping that they will donate the expense.

Treasurer's Report:

Treasurer Sue Phelan presented the Commissioners with her report and paperwork to sign regarding cash in the banks.

She also inquired regarding the travel per diem. There was discussion regarding the fact that it had been increased, then decreased and no one was sure why. Currently the per diem is \$5.00 – breakfast / \$6.00 – lunch and \$12.00 dinner which is state rates. Treasurer Phelan is proposing that it be raised to \$8.00 - breakfast / \$10.00 - lunch and \$15.00 – dinner.

Action #2:

RESOLUTION #76

Vice Chair Townsend moved to increase the per diem amounts from \$5.00 – breakfast; \$6.00 – lunch and \$12.00 dinner to \$8.00 – breakfast; \$10.00 – lunch and \$15.00 – dinner.

Commissioner Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.

Treasurer Phelan also mentioned that Jim McDanel, IT staff, had told her there was an extra fax line so she was going to purchase a fax machine for the Treasurer's office. The funds would be taken from her budget.

There was also discussion regarding the Stockgrowers from Martinsdale and the stockyard. The liability insurance is more than they take in and they are trying to find a way to cut that cost. They were looking for suggestions – between reducing taxes, combining insurance with the County's or the County owning the stockyard. Chair Hurwitz was wondering if they really needed liability insurance or if the ranch owners' insurance would cover any incident. The Commissioners also thought maybe they should raise their rates. The Commissioners want to check with our insurance carrier and look into whether they could be included or how much it would run. It's not believed we can insure without owning the property, but will be checked into.

Building:

Ken stopped by to find out about insulating the pipes in the public area and get permission to do so. The Commissioners gave their approval.

U.S. Bank – Harmon Funds:

Bill Northey and Jason Jewett were present regarding the Harmon Funds. Chair Hurwitz updated Commissioner Brewer about Title 7 investments, and why they had wanted to change it. That originally the Harmon funds were a gift and had been given to the County. At some point, County Attorney John Potter changed it to public funds and Title 7 investment funds and no one currently knows exactly why that was done. So the issue became whether or not the funds were public money versus County money.

The interest had previously been used to pay for the nursing home and 9-1-1. Now that that is not the case, the interest can be re-invested. And with the determination that the Harmon funds are County money, changes can be made on how the funds are invested.

Mr. Northey went over the current portfolio report with the Commissioners and on where we are now. Then there was discussion on some options that were out there that would be a little more riskier but have a better pay off.

They also reviewed our Investment Policy drawn up by the current County Attorney, Kimberly Deschene, and felt it was important to include an asset allocation as part of the policy. They also have other template language they would like to see in our Investment Policy. They will work

directly with County Attorney Deschene. Once the Investment Policy is completed, they will return to the Commission to review and adopt.

Sheriff's Report:

Jon Lopp presented the commission with the report for the month.

Sheriff Lopp also informed the Commissioners that there would be a claim in the amount of approximately \$900.00 because he hit a deer.

He also asked about the jail's cable TV. When there are inmates, they are charged \$3.50 a day for cable. The approximate cost is \$900.00 a year. The Dispatchers also use the cable. Since we do not have inmates, he wanted to know if the County would pay for that expense. He will see about less expensive programming. The Commissioners agreed if it was in his budget, then go ahead and submit the expense.

Sheriff Lopp also wanted to know about the possibility of exploring a new building. His suggestion was possibly putting a bond out there to see how the people feel about it. The Commissioners didn't feel it would get very far since they were not willing to support a new school. Jon told the Commissioners that there was no law regarding having a detention officer watching the inmates and they agreed that the biggest problem was the recreation.

Also Sheriff Lopp had done some research and stated that by law the City has to have a police department or contract with the County Sheriff. If they did have their own police department, the Sheriff's office would then bill for dispatch services. Commissioner Townsend told Sheriff Lopp to make sure that the City knows about the law.

Recycling:

Dave Leverett of 4-Corners Recycling stopped by to let the Commissioners know he was in town and had already met with Melinda Vennard and Betsy Hamann and the newspaper and was headed up to talk with the school and also meeting with Jake Lind later in the day about cardboard recycling.

Public Hearing – Buildings for Lease or Rent:

Brian Clifton was present for the public hearing. There were no proponents or opponents to the hearing.

He explained that State legislature had changed and created separate regulations. Bigger counties have sorted out what it means with the senate bill 324 – buildings for lease or rent and the smaller counties are now adopting the changes. The legislature has come up with regulations for more than 3 buildings on a single tract of land which would need water or sewer.

There was discussion on what would be exempt and what fit into the new regulations. What Mr. Clifton covered with the Commissioners was identified as county regulations only. City is supposed to adopt a set of regulations by September 1, 2014 as well.

Action #3:

RESOLUTION 2013 - #77

**RESOLUTION ADOPTING REGULATIONS
FOR THE APPLICATION & REVIEW OF BUILDINGS FOR LEASE OR RENT**

Under the authority of Title 76, Part 8, MCA
Meagher County
Resolution No. 77

WHEREAS, the 63rd Legislature and the Governor of Montana established a new review process applicable to buildings for lease or rent, effective September 1, 2013; and

WHEREAS, the new review process allows local governments to establish regulations that guide the application and review of the creation of four (4) or more buildings for rent or lease on a single tract of land, when not otherwise exempt pursuant to Section 76-8-102, MCA but allows local governments to increase the minimum number of buildings subject to review for all buildings or only specific types or uses of buildings created for lease or rent; and

WHEREAS, the Meagher County Board of County Commissioners, pursuant to Section 76-8-108 MCA, desire to exempt the first thirty (30) buildings for lease or rent that are not served by water or wastewater from review; and

WHEREAS, the Meagher County Board of County Commissioners, pursuant to Section 76-8-108 MCA, desire to exempt the first five (5) buildings for lease or rent that are served by water or wastewater from review; and

WHEREAS, the Meagher County Board of County Commissioners, pursuant to Section 76-8-108 MCA, desire to exempt from review the specific type or use of those buildings in existence prior to September 1, 2013; and

WHEREAS, pursuant to Section 7-1-2121, MCA, the Meagher County Board of County Commissioners noticed a public hearing on the proposed regulations governing review of buildings for rent or lease, posted not less than 30 days prior to the public hearing in at least five (5) public places throughout the jurisdiction, including but not limited to public buildings; and

WHEREAS, after publishing and posting such notice, the Meagher County Board of County Commissioners held a public hearing on November 19, 2013, to consider comments from the public regarding the proposed regulations; and

WHEREAS, based upon the public comment received, the Meagher County Board of County Commissioners amended the proposed findings of fact to address concerns; and,

WHEREAS, the Meagher County Board of County Commissioners have determined that

the local increases to the minimum number of buildings created for lease or rent that are subject to review and the distinction between specific types or uses of buildings created for lease or rent is appropriate and desirable based on the different impacts to public health, safety, and general welfare of those that are or will be served by water or wastewater facilities and those that are not or will not be served by water or wastewater facilities as well as all those buildings created for lease or rent that are in existence or under construction prior to the effective date of these regulations; and

WHEREAS, the Meagher County Board of County Commissioners have determined that the local increases to the minimum number of buildings created for lease or rent that are subject to review is appropriate and desirable based on the different impacts to public health, safety, and general welfare of those that are or will be served by water or wastewater facilities and those that are not or will not be served by water or wastewater facilities; and

WHEREAS, the Meagher County Board of County Commissioners have determined that denoting, as a specific type or use of building, those buildings created for lease or rent that are in existence or under construction prior to the effective date of these regulations is appropriate and desirable based on general welfare; and

WHEREAS, the final findings of fact in support of the adoption of the regulations governing review of buildings for lease or rent within the jurisdiction of the Meagher County Board of County Commissioners are attached hereto and specifically incorporated herein by this reference; and

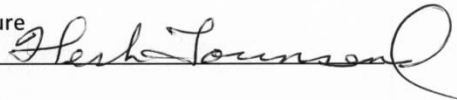
WHEREAS, following the conclusion of the public hearing, consideration of public comments, and amendments to applicable findings, the Meagher County Board of County Commissioners passed a resolution to adopt the proposed regulations; and

WHEREAS, the Meagher County Board of County Commissioners established a fee to be paid by the landowner, commensurate with the cost of reviewing applications for buildings for rent or lease, in the amount of \$400.00;

NOW, THEREFORE, the Meagher County Board of County Commissioners hereby adopts the regulations set forth in Exhibit A attached hereto and incorporated herein for the purpose of reviewing buildings for rent or lease in Meagher County, pursuant to the provisions of Sections 76-8-101, *et seq.*, MCA.

ADOPTED by the Meagher County Board of County Commissioners this _____ day of
November, 2013.

Signature 
Chairman

Signature 

Signature 

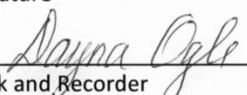
ATTEST:
Signature 
Clerk and Recorder

EXHIBIT A
Buildings for Lease or Rent
Application & Review Process

1. Purpose

The following regulations are intended to provide an administrative process for the acceptance and review of applications for the creation of a building for rent or lease in Meagher County. The rent or lease of a building on a tract of record may directly impact the property and its surroundings with regard to vehicular access, public health, safety, and general welfare, the provision of public services and utilities, and the physical environment. These regulations are adopted for the purpose of considering and mitigating potential impacts resulting from a building proposed for rent or lease on a single tract of record, ensuring protection of the public's health, safety and general welfare.

2. Authority & Administration

- A. These regulations are adopted under the authority of Sections 76-8-101, *et seq.*, MCA.
- B. The Meagher County Planning Department is designated by the Meagher County Board of County Commissioners to administer these regulations.

3. Applicability

- A. These regulations apply to all lands within the jurisdictional area of Meagher County.
- B. In their interpretation and application, the provisions of these regulations may be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.
- C. These regulations are not intended to abrogate or annul any building permit, subdivision approval, certificate of occupancy, variance, or other lawful permit issued before the effective date of these regulations.
- D. These regulations are not intended to abrogate or annul any other regulations applicable to a tract of land, including but not limited to, zoning, building codes, private covenants, or floodplain or lakeshore regulations.

4. Definitions

- A. *Administrator* – The individual designated by the governing body to carry out the terms of these regulations.
- B. *Applicant* – The owner, or designated representative, of land for which an application for the creation of a building for rent or lease has been submitted.
- C. *Building* – As defined in Section 76-8-101(1), MCA, a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. Except as provided in Section 76-3-103(15), MCA, the term includes a recreational camping vehicle, mobile home, or cell tower. The term does not include a condominium or townhome.
- D. *Department* – As defined in Section 76-8-101(2), MCA, the department of environmental quality provided for in 2-15-3501.
- E. *Governing body* – As defined in Section 76-8-101(3), MCA, the legislative authority for a city, town, county, or consolidated city-county government.
- F. *Landowner* – As defined in Section 76-8-101(4), MCA, an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.
- G. *Local reviewing authority* – As defined in Section 76-8-101(5), MCA, a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.

- H. *Supermajority* – As defined in Section 76-8-101(6), MCA, an unanimous affirmative vote of the present and voting county commissioners.
- I. *Tract* – As defined in Section 76-8-101(7), MCA, an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

5. Requirements for Buildings for Lease or Rent

- A. In areas where zoning regulations are in effect that the governing body has determined contain the elements of Section 76-8-107, MCA, the construction of all buildings must meet the requirements of the applicable zoning regulations.
- B. When applicable zoning regulations are not in effect, a building that is not created for rent or lease and is not or will not be served by water or wastewater facilities is exempt from these regulations.
- C. A building that is created for lease or rent and is not or will not be served by water or wastewater facilities is exempt from these regulations when:
 - i. The building for lease or rent was in existence or under construction on the tract of record before September 1, 2013;
 - ii. The building is a facility as defined in Section 15-65-101, MCA that is subject to the lodging facility use tax under Title 15, Chapter 65, except for recreational camping vehicles or mobile home parks; or
 - iii. The building is for farming or agricultural purposes.
- D. A building that is created for lease or rent and is or will be served by water and wastewater facilities must comply with the provisions of subsection (E) but is exempt from all other provisions of these regulations when:
 - i. The building for lease or rent was in existence or under construction on the tract of record before September 1, 2013;
 - ii. The building is a facility as defined in Section 15-65-101, MCA that is subject to the lodging facility use tax under Title 15, Chapter 65, except for recreational camping vehicles or mobile home parks;
 - iii. The building is for farming or agricultural purposes; or
 - iv. The landowner records a notarized declaration with the Meagher County Clerk and Recorder stating that the proposed building will not be leased or rented. The declaration runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property, and may only be revoked by written approval of both the landowner and the governing body in accordance with these regulations. The declaration must be executed by the landowner and the administrator, and must include:
 - a. The name and address of the landowner;
 - b. A legal description of the tract upon which the proposed building will be located; and
 - c. A specific description of the building on the tract of record.
- E. The first four (4) or fewer buildings for lease or rent proposed on a single tract of record and not otherwise exempt under subsections (A)-(E), require review and approval by the department or local reviewing authority for sanitation review if required by Title 76, Chapter 4, MCA, or to the local board or department of health if review is required by Title 50, MCA. If the department, local reviewing authority, or local board or department of health approves the application for sanitation review, the landowner shall record the certificate of approval and any conditions associated with the approval of the application with the Meagher County Clerk and Recorder.
- F. The first thirty (30) or fewer buildings for lease or rent that are not or will not be served by

water or wastewater facilities, or the first five (5) or fewer buildings for lease or rent that are or will be served by water and wastewater facilities proposed on a single tract of record are exempt from review as buildings for lease or rent. All other buildings for lease or rent on a single tract of record require review and approval by the governing body, pursuant to the provisions of Section 6.

- G. A landowner may voluntarily request a certificate of compliance from the Administrator to document that a building is exempt from these regulations. Such requests should be made in writing to the Administrator on the form provided by the Administrator. The burden of proof rests with the landowner to demonstrate how an existing or proposed building meets an exemption from these regulations. The landowner may record a certificate of compliance with the Meagher County Clerk and Recorder.

6. Application & Review of Building for Lease or Rent

A. Application Submittal

- i. An application for the creation of a building for rent or lease shall be submitted to the administrator on the form provided by the administrator, and accompanied by the payment of any fees established for the review of same.
- ii. The application shall include:
 - a. A copy of the deed or other legal description of the real property;
 - b. Evidence of the landowner's title and interest in the land for which the application is being made;
 - c. A site plan showing:
 - I. North arrow and scale bar (minimum scale of 1:20);
 - II. Property boundaries;
 - III. Existing and proposed onsite and adjacent offsite streets, roads and easements that will serve the proposal;
 - IV. Existing and proposed access to the subject property;
 - V. Pertinent geographic features of the subject property, including any significant topographical features and designated floodplain;
 - VI. Location of existing and proposed water, wastewater and solid waste facilities serving the subject property;
 - VII. The location of existing and proposed buildings or structures on the subject property.
 - d. A detailed narrative of existing and proposed buildings and their location on the subject property, including the uses proposed for each and the approximate floor area and ground coverage of each building;
 - e. A detailed narrative of the proposed water, wastewater, and solid waste disposal facilities intended to serve the buildings for lease or rent;
 - f. A detailed narrative of the emergency medical, fire, and law enforcement services proposed to serve the buildings for lease or rent.
 - g. A detailed narrative describing the existing and proposed access to and from the site, as well as the onsite circulation providing access to the existing and proposed buildings for lease or rent.
 - h. A detailed narrative assessing the potential significant impacts on the surrounding physical environment or human population as a result of the proposed building for lease

or rent, including a description of any proposed mitigation measures to avoid or minimize impacts anticipated.

B. Review Process

- i. Upon receipt of an application along with all applicable fees, the administrator shall, within ten (10) working days, determine whether the application is complete and notify the applicant in writing.
- ii. If the application is incomplete, the administrator shall identify, in writing, any missing materials or insufficient information necessary to conduct the required review.
- iii. If the application is complete, the administrator shall complete review of the application and the governing body shall approve, conditionally approve, or deny the application within sixty (60) working days. The timeframe may be extended upon mutual agreement, in writing, by the applicant and the governing body. Review and approval, conditional approval, or denial of an application for the creation of buildings for lease or rent pursuant to this section must be based upon the regulations in effect at the time an application is determined to be complete.
- iv. The governing body shall provide written notification to the landowner of the approval, conditional approval, or denial of the application within 60 working days after determining the application was complete.

C. Governing Body Decision

- i. The governing body may approve or conditionally approve the proposed buildings for lease or rent upon finding:
 - a. The proposed buildings for lease or rent, as submitted or conditioned, comply with these regulations and other regulations applicable to the property, and avoid or minimize potential significant impacts on the physical environment and human population in the area affected by the buildings for lease or rent;
 - b. Adequate water, wastewater, and solid waste facilities are available to serve the buildings for rent or lease;
 - c. Adequate access to the site is provided to serve the buildings for lease or rent;
 - d. Adequate emergency medical, fire protection, and law enforcement services are available to serve the buildings for rent or lease; and
 - e. The buildings for lease or rent comply with any applicable flood plain regulations.

D. Appeal

- i. Appeal of Sanitation Decision. An applicant who is aggrieved by a final decision of the department or the local reviewing authority made pursuant to Section 5(C) of these regulations may request a hearing as provided in Section 76-4-126(1), MCA. For purposes of this subsection, the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to the proceeding.
- ii. Appeal of Local Governing Body Decision. An applicant or landowner with a property boundary contiguous to the tract on which buildings for lease or rent are proposed to be located who is aggrieved by a decision of the governing body pursuant to Section 6 of these regulations may, within 30 days of the date of the final decision of the governing body, appeal to the district court in the county in which the property involved is located.
- iii. For purposes of this section, "aggrieved" has the meaning provided in Section 76-3-625, MCA.

7. Enforcement and Penalties

- A. The administrator shall notify the landowner or any other responsible party of a violation of these regulations by certified mail and/or posting on the subject property. The notice shall describe the violation, cite the section of these regulations being violated, and request the responsible party to voluntarily comply within a minimum of 30 days.
- B. Any person who receives a notice of violation may, within the 30 days allowed, request inspection by the administrator to show that compliance has been attained or appeal the notice of violation to the governing body.
- C. If, after the minimum 30 days required for voluntary compliance has lapsed, compliance has not been attained or an appeal has not been filed, the administrator shall request the Meagher County Attorney begin legal action against the landowner or any other responsible party.
- D. Upon request by the administrator, the Meagher County Attorney may immediately commence any actions and proceedings available in law or equity to prevent the creation of a building for lease or rent in violation of these regulations; restrain, correct, or abate a building for lease or rent in violation of these regulations; or prevent the occupancy of a building for lease or rent in violation of these regulations.
- E. A fine not to exceed \$500 may be imposed for a violation of these regulations.

Public Comment:

There was no public Comment.

Claims Approved:

The Commission was presented with Voucher #1426, Ck # 46196 through Ck # 46219, totaling \$23,182.10 and a Voided Check Report on Check # 46132 which was made out incorrectly and was being re-issued.

Minutes:

Action #4:

Chair Hurwitz moved to approve the Minutes of November 12, 2013, and Commissioner Brewer seconded. A vote was taken and approved unanimously.

Road Department – Lingshire Road Alteration:

The Commissioners met with Mr. Bruce Smith, Road Supervisor, and traveled to Lingshire to personally view the new road that was constructed to by-pass the local ranch that the old section road passed through.

Action #5:

RESOLUTION 2013 - #78

Chair Hurwitz moved to abandon that portion of Lingshire Road that runs through the ranch homestead, Sections 28, 29, 32 Township 13 North Range 3 East as petitioned and to accept the replacement portion of Lingshire Road that is in Section 28 and 29 Township 13 North Range 3 East and to declare it to be a county road and grants the prayer ordering the road be opened to the public effective immediately. A vote was taken and passed unanimously. It is therefore resolved.

Meeting Adjourned:

The meeting was adjourned at 4:00 P.M.

Next Meeting:

Commissioners are scheduled to meet Tuesday November 26, 2013

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CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.
Distributed November 26, 2013, to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle

Tuesday
November 26, 2013
9:00 a.m. – 12:00 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 9:00 a.m. Vice Chair Townsend entered the meeting at 9:15 a.m.

Commissioners Present:

Chair Ben Hurwitz, Vice Chair Herb Townsend and Commissioner Rod Brewer.

Closed Session:

This was a closed session regarding personnel issues.

HRDC – Heather Grenier – CSBG Work Plan:

Heather Grenier from HRDC came from Bozeman to speak with the Commissioners about the CSBG Work Plan and funds to be received by Meagher County. The amount to be received is a 10% reduction from last year and is in the amount of \$5,711.00, going from September 1, 2013 to October, 2014.

They discussed the different Grants that HRDC works with - the Block Grant, Emergency Solution Grant and the HOME Grant. The Emergency Solution Grant is available for homeless individuals or those being evicted and there is approximately \$48,000.00 set aside and available in Meagher County. To qualify, the family must fall 50% below the median income level and also depends on number of children. There was discussion on the criteria of this grant and the maximum amount it pays. All grants are obtained directly from the HRDC office.

Kimberly Deschene entered the meeting.

Ms. Grenier also explained the HOME Grant and how it was intended to bridge the gap for home owners. There is criteria that has to be met and it was income restricted (80% of the median income for the area). This grant helps with down payments (a 2nd mortgage) but has to be owner occupied. They pay up to \$30,000.00 and the grant does not have to be paid back unless you sell the property or refinance. It can also be carried over to the heirs in the case of death. This is a first come first serve grant and is allocated for a 3-county service area. This grant is also based on need and eligibility.

Chair Hurwitz told Ms. Grenier that last year the funds received by Meagher County were split between the youth development program and health services and that is what they would like to do again this year.

Action #1:

RESOLUTION 2013 - #79

Vice Chair Townsend moved that Meagher County split the HRDC funds in the amount of \$5,711.00 from the CSBG Grant 50/50 between the youth development program at the Arrowhead Golf Course and the health services program with the County Nurse. Commissioner Brewer seconded. A vote was taken and passed unanimously. It is therefore resolved.

County Attorney;

Kimberly Deschene stopped by to discuss the abandonment of that portion of Lingshire Road where the Galt Ranch is located.

The Commissioners inquired what had to happen next and asked her to look into it.

Employee Handbook:

Dayna Ogle, Clerk & Recorder, presented areas within the Employee Handbook that need to be addressed. Treasurer Sue Phelan also stopped by to attend this meeting.

Topics discussed were working from home; sick leave and FMLA; funeral services; and the change from \$50,000 to \$80,000 threshold for public contracts.

County Attorney Deschene is to work on cleaning up the Recruitment and Selection section.

Treasurer Sue Phelan addressed reimbursement for Ken Martin for fuel expense going to the Library, Airport and Sheriff's office on maintenance. Clerk & Recorder Ogle advised that he should keep track of the mileage and turn them in on a claim form for reimbursement.

Ambulance Garage – Insulation Bid:

Sara Driemeyer was present for this meeting on behalf of the Ambulance Board. Commissioner Townsend started off by asking her about the Townsend Electric claim presented for payment and how much of the work was completed at the Ambulance Garage. There was discussion on Townsend Electric's final bid on the project and that claim was for approximately half.

Mrs. Driemeyer advised the Commission that the board had decided they were not going to do the fire retardant spray, they were just going to cover the entire area. They felt that it would be cheaper to cover than to spray after reviewing the insulation bids.

The Ambulance Board also decided to accept the bid of Elkhorn Insulation. She said she had made phone calls to the building code division and the R values quoted in the bid were good enough and it was the low bid. Vice Chair Townsend asked her to get some references from them before we accept the bid. Mrs. Driemeyer will make the phone call to Elkhorn Insulation and get references and make the calls to them as well.

Action #2:

RESOLUTION 2013 - #80

Commissioner Brewer moved to accept the bid from Elkhorn Insulation regarding insulating the Ambulance Garage in the amount of \$22,114.00, conditional on references provided. Chair Hurwitz seconded. A vote was taken and approved unanimously, it is therefore resolved.

The Commissioners inquired as to what had been done on the inside of the building, and Mrs. Driemeyer informed them that nothing had been done yet internally. She also told them that the building inspector would be inspecting the work to date on Wednesday, November 27th. She also informed them that it was good to insulate right now, so as soon as the references were checked, the company could start.

She also wanted to know if they would be able to go ahead and order wood and the Commissioners were okay on that.

Public Comment:

IT Department:

Jim McDanel stopped by to see the Commissioners regarding the antivirus software on the County computers. He informed them that currently the antivirus software protects the computers against spam and viruses, but does not protect against malware. Malware is everywhere and are fake programs that open up doors in the computers to let other things come in. He is expecting it to cost approximately \$800.00 to put a program on the courthouse and road shop computers. The Commissioners gave their approval to go forward with putting the software on the computers.

Lingshire Road:

Deputy Clerk & Recorder, Christy Rogers, presented a letter for the Commissioners' signatures regarding the Lingshire Road. She brought them up-to-date, informing them that the process of abandoning that portion of the Lingshire Road that goes through the Galt Ranch buildings was started in 2007 and done correctly. The public hearing, notice, surveying and approval of the County Commissioners had all been accomplished. All that was remaining was this letter from the Commissioners which indicated that they approved following review and requirements had been met. Commission declared the new section a county road and opened it to the public.

Minutes:

Action # 3:

Commissioner Brewer approved minutes of the December 12, 2013 meeting. Chair Hurwitz seconded. A vote was taken and approved unanimously.

Claims Approved:

Commission was presented with Voucher #1429, Ck # 46220 to Ck #46260 totaling \$28,043.78. All checks were approved and signed.

Meeting Adjourned:

The meeting was adjourned at 12:00 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, December 3, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.
Distributed December 3, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle